

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No.: 7:23-CV-00897

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION)
)
This Pleading Relates to:)
)
ALL CASES.)
)
)
)

**PLAINTIFFS’ MOTION REQUESTING LEAVE TO FILE OPPOSITION TO
DEFENDANT UNITED STATES’ MOTION TO EXCLUDE PLAINTIFFS’ PHASE I
EXPERT TESTIMONY IN SUPPORT OF USING ATSDR’S WATER MODELS TO
DETERMINE EXPOSURE LEVELS FOR INDIVIDUAL PLAINTIFFS IN EXCESS OF
30-PAGE LIMIT AND 8400-WORD LIMIT**

On behalf of Plaintiffs, the Plaintiffs’ Leadership Group (“PLG”) respectfully moves this Court for leave to file an opposition to Defendant United States’ Motion to Exclude Plaintiffs’ Phase I Expert Testimony in Support of Using ATSDR’s Water Models to Determine Exposure Levels for Individual Plaintiffs, D.E. 367 (motion) and D.E. 368 (memorandum of law), in excess of the 30-page limit and 8400-word limit set by Local Rule 7.2 (f), and shows as follows:

1. Local Rule 7.2(f) sets 30-page and 8400-word limits on responses to motions.
2. On April 29, 2025, Defendant United States filed five motions: (1) Motion to Exclude Unreliable and Irrelevant Expert Testimony of Mustafa Aral, D.E. 358 (motion) and 359 (memorandum of law); (2) Motion to Exclude the Opinion Testimony of Mr. R. Jeffrey Davis and Dr. Norman L. Jones, D. E. 356 (motion) and 357 (memorandum of law); (3) Motion to Exclude the Testimony of Dr. Rodney Kyle Longley, D.E. 360 (motion) and 362 (memorandum of law);

(4) Motion in Limine to Exclude Vapor Intrusion Evidence and Testimony, D.E. 361 (motion) and 366 (memorandum of law); and (5) Motion to Exclude Plaintiffs' Phase I Expert Testimony in Support of Using ATSDR's Water Models to Determine Exposure Levels for Individual Plaintiffs, D.E. 367 (motion) and D.E. 368 (memorandum of law). Each of these motions seeks to limit or exclude testimony from PLG's Phase I experts. Oppositions to these motions are due on June 4, 2025. D.E. 332.

3. PLG seeks leave to file a response in excess of the page and word limits for only one of its five oppositions to the Government's *Daubert* motions, namely, Defendant United States' Motion to Exclude Plaintiffs' Phase I Expert Testimony in Support of Using ATSDR's Water Models to Determine Exposure Levels for Individual Plaintiffs, D.E. 367 (motion) and D.E. 368 (memorandum of law). Plaintiffs do not seek an extension of the page or word limits for any of their four other memoranda to be filed on June 4th.

4. D.E. 367 and D.E. 368 seek to limit or exclude the opinions of five of the PLG's Phase I experts regarding the ATSDR's water models. Defendant's memorandum of law in support of its motion is 30 pages in length. Plaintiffs are in need of excess pages and words in order to meet their burden per Federal Rule of Evidence 702 regarding the qualifications, relevance and reliability of the five experts' opinions regarding the ATSDR's water models. Defendant's motion addresses ATSDR's water models for two distinct areas (Tarawa Terrace and Hadnot Point/Holcomb Boulevard), and each of these models has models within it. ATSDR's water models were prepared by a team of 20 scientists and engineers over a period of ten years, and their extensive work is described in twenty-one peer-reviewed reports comprising over 2,200 pages describing the geohydrologic data, water-supply data, analyses and results. The subject matter is vast, and the importance of these models to the Plaintiffs' case cannot be overstated.

5. Accordingly, the Plaintiffs respectfully request that the Court permit the filing of an opposition to D.E. 367 and D.E. 368 of no more than 39 pages and 14,000 words.

6. To mitigate any potential prejudice to the Defendant, Plaintiffs propose that the Defendant be permitted to submit a reply brief, if it deems appropriate, with a similar proportionate amount of excess pages and words over the Local Rule's 10-page and 2800-word limit.

7. A proposed order is attached as Exhibit 1.

8. The United States does not oppose the relief requested herein.

Wherefore, the Plaintiffs respectfully request that the Court grant their motion to allow filing of an opposition to the motion filed at D.E. 367 in excess of the 30-page limit and 8400-word limit set by Local Rule 7.2 (f).

[Signature page to follow.]

DATED this 29th day of May 2025.

/s/ J. Edward Bell, III

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CERTIFICATE OF SERVICE

I, J. Edward Bell, III, hereby certify that the foregoing document was electronically filed on the Court's CM/ECF system on this date, and that all counsel of record will be served with notice of the said filing via the CM/ECF system.

This the 29th day of May 2025.

/s/ J. Edward Bell, III_____

J. Edward Bell, III